

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	)	
	)	Chapter 7
ANDRE L. ROBINS and	)	
LADONNA R. ROBINS	)	Case No. 10-52334
	)	
Debtors.	)	Chief Judge Marilyn Shea-Stonum
	)	

**JOINT MOTION OF STATE OF OHIO, DEPARTMENT OF JOB AND FAMILY  
SERVICES AND DEBTOR PURSUANT TO BANKRUPTCY RULE 9019, FOR AN  
ORDER APPROVING A STIPULATION BETWEEN THE STATE OF OHIO,  
DEPARTMENT OF JOB AND FAMILY SERVICES AND THE DEBTOR.**

The State of Ohio, Department of Job and Family Services (“ODJFS”) and the debtor, LaDonna R. Robins aka LaDonna Prude-Robins (“Debtor”) in the above-captioned Chapter 7 case hereby jointly move the Court for the entry of an Agreed Order approving a Stipulation between them which is attached hereto as Exhibit A. In support of the Motion, ODJFS and the Debtor state as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334. Consideration of the Motion is a core proceeding pursuant to 28 U.S.C. §157(b)(2).
2. Venue is proper in this District pursuant to 28 U.S.C. §§1408 and 1409.
3. The predicate for the relief requested herein is Federal Rule of Bankruptcy Procedure 9013.

**BACKGROUND**

4. On May 17, 2010 (“Petition Date”), the Debtor filed her (joint) voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.

5. The Debtor obtained unemployment compensation benefits from ODFJS which were determined by ODFJS to have been fraudulently obtained. ODJFS denied the Debtor's appeal on or about May 2, 2008. The Debtor did not file any further appeals regarding the Decision.

6. The Debtor has not repaid to ODJFS the benefits found to have been fraudulently obtained.

7. ODJFS and the Debtor entered into an agreement regarding the dischargeability of the aforesaid fraudulently obtained benefits which has been reduced to a Stipulation which is submitted herewith and is identified as Exhibit A.

8. Under the terms of the Stipulation, the parties agree that the principal sum of \$2,640.00 plus interest and collection fees are non-dischargeable pursuant to 11 U.S.C. §523(a)(6).

#### **BASIS FOR REQUESTED RELIEF**

9. 11 U.S.C. § 727(a)(10) empowers the Court to consider and approve stipulations concerning waivers of dischargeability of debts.

10. The Stipulation attached hereto as Exhibit A concerns a waiver of discharge-ability of a debt.

11. The Court may consider such stipulations pursuant to motion. *Steven Jay Lichtenstein, Appellant, v. Roberta J. Barbanel, Appellee, United States Court of Appeals for the Sixth Circuit, 161 Fed. Appx. 461; 2005 U.S. App. LEXIS 2947, December 20, 2005.*

12. ODJFS is represented by counsel in this matter.

13. The Debtor is represented by counsel in this matter.

14. ODJFS and the Debtor agree that the result sought to be achieved by this Joint Motion is the same substantive result (exclusive of the Debtor's repayment option) that would be achieved if the parties proceeded to a contested matter. The attached Stipulation is submitted in the interest of judicial economy.

## **REQUEST FOR ORDER**

15. WHEREFORE, ODJFS and the Debtor move this Court to accept the attached Stipulation and to order that the debt owed by the Debtor to ODJFS is not discharged in this case pursuant to 11 U.S.C. § 727(a)(10) and for such other relief that the Court deems to be just and proper.

16. Because this Motion presents no novel issues of law and the authorities relied upon are stated herein, ODJFS and the Debtor respectfully request that this Court waive the requirement contained in Local Bankruptcy Rule 9013-1(a) that the movant(s) file a separate memorandum of law in support of this Motion.

17. No previous motion for the relief sought herein has been made to this or any other court. A proposed Order is attached hereto as Exhibit B.

Dated: December 7, 2010

Respectfully Submitted:

/s/ Donn D. Rosenblum

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Attorney for LaDonna R. Robins, Debtor

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion was served to Y. Eric Holtz, Attorney for Debtor and Robert S. Thomas, Chapter 7 Trustee, by electronic mail and via the Court's ECF system this 7<sup>th</sup> day of December 2010.

/s/ Donn D. Rosenblum

Donn D. Rosenblum